

Remarks

Specification

The abstract of the disclosure was objected to because of several informalities. In response, the Applicants have amended the abstract as per the Examiner's suggestions.

Claim Objections

Claims 6, 8, 18, 22, 28-30, and 38 were objected to because of several informalities. In response, the Applicants have amended these claims accordingly.

Claim Rejections

The Applicants are submitting a 37 CFR 1.131 declaration with this amendment showing conception of their invention prior to the filing of Moose (US Pat. No. 6,459,745), and also showing due diligence in preparing and filing their pending patent application. Thus, the Moose reference can no longer be used against the present claims.

Regarding independent claim 1, this claim was amended to include those limitations originally found in claim 4. Since claim 4 was rejected under 35 USC §102(e) as being anticipated by Moose, claim 1 is now in proper condition for allowance.

Regarding independent claim 15, this claim was rejected under 35 USC §102(e) as being anticipated by Moose. Since the Moose reference can no longer be used against the present claims, claim 15 is in proper condition for allowance.

Regarding independent claim 25, this claim was amended to include those limitations originally found in claim 27. Since claim 27 was rejected under 35 USC §102(e) as being anticipated by Moose, claim 25 is now in proper condition for allowance.

Regarding independent claim 34, this claim was rejected under 35 USC §102(e) as being anticipated by Moose. Since the Moose reference can no longer be used against the present claims, claim 34 is in proper condition for allowance.

Regarding independent claim 41, this claim was rejected under 35 USC §102(e) as being anticipated by Moose. Since the Moose reference can no longer be used against the present claims, claim 41 is in proper condition for allowance.

Regarding all other remaining claims, since these claims depend from allowable base claims, all remaining claims are in proper condition for allowance.

The Applicants wish to point out that claim 12 specifically contains the limitation that "the single OFDM symbol comprises at least one data symbol." (emphasis added). Since this limitation is neither taught nor suggested by the prior art, claim 12 is in proper condition for allowance. More particularly, in rejecting claim 12, the Examiner states that Schmidl discloses the use of data symbols, and then directs the Applicants to the col. 12, lines 49-65 where Schmidl teaches using PN sequences. The Applicants note that PN sequences are not data. In our application we stress that one embodiment involves the use of *unknown symbols (such as data symbols)* on some or all of the subcarriers of the single OFDM symbol. **It is well known in the art that PN sequences, and especially predetermined PN sequences are not data – rather they are known training sequences.** Therefore claim 12 is in proper condition for allowance.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references. As the Applicant has overcome all substantive rejections given by the Examiner the Applicant contends that this Amendment, with the above discussion, overcomes the Examiner's rejections to the pending claims. Therefore, the Applicant respectfully requests allowance of the application. If the Examiner is of the opinion that any issues regarding the status of the claims remain after this response, the Examiner is invited to contact the undersigned representative to expedite resolution of the matter. Finally, please charge any fees (including extension of time fees) or credit overpayment to Deposit Account No. 502117.

Respectfully Submitted,
Baum, ET AL.

by: 

Kenneth A. Haas
Reg. No. 42,614
Phone: (847) 576-6937
FAX: (847) 576-3750